

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Benjamin Shelton	Team: Squad #11	CCRB Case #: 201810683	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 12/14/2018 6:26 PM	Location of Incident: § 87(2)(b) 90th Precinct stationhouse	Precinct: 90	18 Mo. SOL 6/14/2020	EO SOL 1/29/2021	
Date/Time CV Reported Fri, 12/14/2018 7:32 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 12/24/2018 10:45 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. LT Henry Daverin	00000	945645	090 PCT
2. POF Jessica Schrell	26482	953384	090 PCT
3. SGT Gregg Minardi	00608	940475	090 PCT
4. POM Philippe Vukosa	22128	953542	090 PCT
5. POM Erdem Ozen	13505	961052	090 PCT
6. POM Tyler Howe	14840	961822	090 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Joseph Lodato	03131	948487	090 PCT
2. POM Shane Wynn	14864	956340	090 PCT
3. POM Jason Mcconnell	18505	961931	090 PCT
4. LT Timothy Fox	00000	944571	090 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Henry Daverin	Force: On December 14, 2018, in front of § 87(2)(b) in Brooklyn, Lieutenant Henry Daverin used physical force against § 87(2)(b)	
B.POM Philippe Vukosa	Force: On December 14, 2018, in front of § 87(2)(b) in Brooklyn, Police Officer Philippe Vukosa used physical force against § 87(2)(b)	
C.POF Jessica Schrell	Force: On December 14, 2018, in front of § 87(2)(b) in Brooklyn, Police Officer Jessica Schrell used physical force against § 87(2)(b)	
D.SGT Gregg Minardi	Force: On December 14, 2018, in front of § 87(2)(b) in Brooklyn, Sergeant Gregg Minardi used physical force against § 87(2)(b)	
E.SGT Gregg Minardi	Abuse: On December 14, 2018, in front of § 87(2)(b) in Brooklyn, Sergeant Gregg Minardi interfered with § 87(2)(b)'s use of a recording device.	

Officer(s)	Allegation	Investigator Recommendation
F.SGT Gregg Minardi	Force: On December 14, 2018, in front of § 87(2)(b) in Brooklyn, Sergeant Gregg Minardi used physical force against § 87(2)(b)	
G.LT Henry Daverin	Force: On December 14, 2018, in front of § 87(2)(b) in Brooklyn, Lieutenant Henry Daverin used physical force against § 87(2)(b)	
H.LT Henry Daverin	Discourtesy: On December 14, 2018, in front of § 87(2)(b) in Brooklyn, Lieutenant Henry Daverin spoke discourteously to § 87(2)(b)	
I.LT Henry Daverin	Force: On December 14, 2018, in front of § 87(2)(b) in Brooklyn, Lieutenant Henry Daverin hit § 87(2)(b) against an inanimate object.	
J.LT Henry Daverin	Force: On December 14, 2018, in front of § 87(2)(b) in Brooklyn, Lieutenant Henry Daverin used physical force against § 87(2)(b)	
K.LT Henry Daverin	Abuse: On December 14, 2018, in front of § 87(2)(b) in Brooklyn, Lieutenant Henry Daverin threatened § 87(2)(b) with the use of force.	
L.POM Philippe Vukosa	Discourtesy: On December 14, 2018, in front of § 87(2)(b) in Brooklyn, Police Officer Philippe Vukosa spoke discourteously to § 87(2)(b)	
M.POM Tyler Howe	Abuse: On December 14, 2018, in front of § 87(2)(b) in Brooklyn, Police Officer Tyler Howe interfered with an individual's use of a recording device.	
N.LT Henry Daverin	Abuse: Lieutenant Henry Daverin seized § 87(2)(b)'s property.	
O.POM Erdem Ozen	Abuse: On December 14, 2018, at the 90th Precinct stationhouse, Police Officer Erdem Ozen performed a cavity search of § 87(2)(b)	
P.LT Henry Daverin	Abuse: On December 14, 2018, at the 90th Precinct stationhouse in Brooklyn, Lieutenant Henry Daverin authorized a strip search of § 87(2)(b)	
Q.LT Henry Daverin	Abuse: On December 14, 2018, at the 90th Precinct stationhouse in Brooklyn, Lieutenant Henry Daverin authorized a strip search of § 87(2)(b)	
R.POM Tyler Howe	Discourtesy: On December 14, 2018, at the 90th Precinct stationhouse in Brooklyn, Police Officer Tyler Howe spoke discourteously to § 87(2)(b)	
S.POM Tyler Howe	Abuse: On December 14, 2018, at the 90th Precinct stationhouse in Brooklyn, Police Officer Tyler Howe performed a cavity search of § 87(2)(b)	
T.POM Tyler Howe	Force: On December 14, 2018, at the 90th Precinct stationhouse in Brooklyn, Police Officer Tyler Howe hit § 87(2)(b) against a wall.	
U.POM Philippe Vukosa	Abuse: On December 14, 2018, at the 90th Precinct stationhouse in Brooklyn, Police Officer Philippe Vukosa did not obtain medical treatment for § 87(2)(b)	
V.POM Philippe Vukosa	Abuse: On December 14, 2018, at the 90th Precinct stationhouse in Brooklyn, Police Officer Philippe Vukosa did not obtain medical treatment for § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
W.POM Philippe Vukosa	Abuse: On December 14, 2018, at the 90th Precinct stationhouse in Brooklyn, Police Officer Philippe Vukosa performed a cavity search of § 87(2)(b)	
X.POM Tyler Howe	Abuse: On December 15, 2018, at the 90th Precinct stationhouse in Brooklyn, Police Officer Tyler Howe threatened to arrest § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		

Case Summary

On December 14, 2018, § 87(2)(b) filed the following complaint over the phone with IAB, generating log #18-49013. On December 24, 2018, the CCRB received a duplicate complaint from IAB in spin-off log #18-49476, filed with IAB over the phone by § 87(2)(b).

On December 14, 2018, at approximately 6:26 p.m., in front of § 87(2)(b) in Brooklyn, § 87(2)(b) idled his vehicle while moving some belongings from his nearby apartment with his friend, § 87(2)(b) while his girlfriend, § 87(2)(b) was sitting in the vehicle and his sister, § 87(2)(b) and mother, § 87(2)(b) were also present. 90th Precinct officers Lt. Henry Daverin, PO Jessica Schrell, and PO Philippe Vukosa approached the vehicle and § 87(2)(b) approached soon after. After asking for § 87(2)(b)'s identification, Lt. Daverin grabbed his shirt, pushed him against a vehicle, and handcuffed him with PO Vukosa (**Allegations A and B: Force**, § 87(2)(g)). PO Schrell then asked § 87(2)(b) for the keys to his vehicle and allegedly grabbed his face (**Allegation C: Force**, § 87(2)(g)). Additional officers arrived including 90th Precinct officers Sgt. Gregg Minardi and PO Tyler Howe. As § 87(2)(b) attempted to record the incident, Sgt. Minardi pushed her (**Allegation D: Force**, § 87(2)(g) and **Allegation E, Abuse of Authority**, § 87(2)(g)) and § 87(2)(b) (**Allegation F: Force**, § 87(2)(g)). Lt. Daverin went to the vehicle and attempted to pull § 87(2)(b) out of the vehicle (**Allegation G: Force**, § 87(2)(g)). § 87(2)(b) placed his hand on Lt. Daverin's chest and Lt. Daverin asked him, "Are you out of your fucking mind?" (**Allegation H: Discourtesy**, § 87(2)(g)). Lt. Daverin then grabbed § 87(2)(b) and hit him against a metal gate (**Allegation I: Force**, § 87(2)(g)) before taking him to the ground (**Allegation J: Force**, § 87(2)(g)) and threatening to break his arm (**Allegation K: Abuse of Authority**, § 87(2)(g)). While securing § 87(2)(b) in a police vehicle, PO Vukosa told § 87(2)(b) to "sit in the fucking car" and to give him the "fucking phone" (**Allegation L: Discourtesy**, § 87(2)(g)). When § 87(2)(b) asked § 87(2)(b) in the street to record the interaction, PO Howe interfered with the recording (**Allegation M: Abuse of Authority**, § 87(2)(g)). Once § 87(2)(b) and § 87(2)(b) were handcuffed, they were each transported back to the 90th Precinct stationhouse. Lt. Daverin seized § 87(2)(b)'s vehicle (**Allegation N: Abuse of Authority**, § 87(2)(g)).

At the 90th Precinct stationhouse, § 87(2)(b) alleged that at the front desk, PO Erdem Ozen of the 90th Precinct put his finger under § 87(2)(b)'s pants and underwear into his intergluteal cleft (**Allegation O: Abuse of Authority**, § 87(2)(g)). Lt. Daverin authorized officers to strip-search § 87(2)(b) (**Allegation P: Abuse of Authority**, § 87(2)(g)) and § 87(2)(b) (**Allegations Q: Abuse of Authority**, § 87(2)(g)). In the holding cells area, PO Howe directed the word "fuck" multiple times toward § 87(2)(b) (**Allegation R: Discourtesy**, § 87(2)(g)). During his strip search by PO Howe, § 87(2)(b) alleged that PO Howe swiped his hand in his intergluteal cleft (**Allegation S: Abuse of Authority**, § 87(2)(g)) and then hit his head against the wall (**Allegation T: Force**, § 87(2)(g)). § 87(2)(b) requested medical attention from PO Vukosa but never received any (**Allegation U: Abuse of Authority**, § 87(2)(g)) and § 87(2)(b) also alleged he requested medical attention from PO Vukosa (**Allegation V: Abuse of Authority**, § 87(2)(g)). During his strip-search by PO Vukosa, § 87(2)(b) alleged that PO Vukosa swiped his hand under his testicles and in his intergluteal cleft (**Allegation W: Abuse of Authority**, § 87(2)(g)).

On December 15, 2018, at approximately 7:17 p.m., § 87(2)(b) went to the 90th Precinct stationhouse to collect his vehicle and PO Howe told him to step into the stationhouse's parking

lot and “see what happens,” which § 87(2)(b) perceived to be a threat of arrest (**Allegation X: Abuse of Authority**, § 87(2)(g)).

§ 87(4-b), § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) were the only individuals arrested regarding this incident and no summonses were issued. § 87(2)(b) was charged with § 87(2)(b)

§ 87(2)(b) was charged with § 87(2)(b)

Body-worn camera footage from multiple officers on scene was obtained from IAB (BR 1-11) and cellphone footage from § 87(2)(b) and § 87(2)(b) was obtained from § 87(2)(b) (BR 12-18).

Findings and Recommendations

Allegation A – Force: On December 14, 2018, in front of § 87(2)(b) in Brooklyn, Lieutenant Henry Daverin used physical force against § 87(2)(b)

Allegation B – Force: On December 14, 2018, in front of § 87(2)(b) in Brooklyn, Police Officer Philippe Vukosa used physical force against § 87(2)(b)

Footage from the body-worn cameras of PO Vukosa and PO Schrell, in addition to cellphone footage captured by § 87(2)(b) on her cellphone, were concatenated together using the program InputAce to present the clearest depiction of these allegations (BR 19). In discussing the footage, the video player’s durational timestamp of the extracted clips will be referenced, not the onscreen timestamp or the durational timestamp of the extended footage sources. From 00:00 to 00:10, PO Vukosa’s camera depicts himself, PO Schrell, and Lt. Daverin attempting to speak to § 87(2)(b) in the passenger seat of the idling vehicle when § 87(2)(b) approaches and identifies himself as its owner. At 00:22, § 87(2)(b) and Lt. Daverin move to the rear of the vehicle. From 00:37 to 00:45, Lt. Daverin asks for § 87(2)(b)’s identification and registration to issue summonses for idling, illegal parking, and tinted windows. From 00:46 to 00:51, § 87(2)(b) tells him that he does not need to provide Lt. Daverin with those documents and Lt. Daverin responds that he will tow the vehicle. From 00:51 to 00:55, § 87(2)(b) acquiesces and attempts to walk away and Lt. Daverin extends his right hand and places it on § 87(2)(b)’s chest and tells him, “Come here.” § 87(2)(b) asks him, “You told me to get ID, right?” From 00:55 to 00:59, Lt. Daverin asks where the identification is and § 87(2)(b) states loudly that it is in his car. At 1:00, PO Schrell’s camera captures Lt. Daverin with two hands grabbing the breast of § 87(2)(b)’s sweatshirt. Lt. Daverin tells § 87(2)(b) to go get identification and extends his arms forward which forces § 87(2)(b) slightly backwards against the rear of the vehicle. § 87(2)(b) asks loudly how he is supposed to get his identification while Lt. Daverin holds him. At 01:03, PO Vukosa’s camera captures Lt. Daverin turning to his left, toward a police vehicle, while still holding § 87(2)(b)’s sweatshirt’s breast. Exact physicality is unclear due to movements of the body-worn camera, but it appears that Lt. Daverin pulls § 87(2)(b)’s upper body onto the hood of the police vehicle and PO Vukosa moves to assist Lt. Daverin in restraining § 87(2)(b). At 01:09, § 87(2)(b)

§ 87(2)(b) video footage depicts Lt. Daverin standing directly behind § 87(2)(b) as the lieutenant bends § 87(2)(b) over the police vehicle. § 87(2)(b)'s legs are on the ground. At 01:13, § 87(2)(b) stands upright and tells Lt. Daverin to get off of him. PO Vukosa holds § 87(2)(b)'s left arm behind his back as he handcuffs him. § 87(2)(b) keeps his right arm in front of himself. At 01:19, Lt. Daverin hugs § 87(2)(b)'s torso and forces § 87(2)(b)'s upper body back toward the hood of the police vehicle. § 87(2)(b)'s feet briefly leave the ground as PO Vukosa continues handcuffing him. At 01:23, § 87(2)(b) tries to stand up and Lt. Daverin and PO Vukosa force his upper body back toward the hood of the police vehicle by pushing on his back with their palms. At 01:29, § 87(2)(b)'s right arm is eventually placed behind his back and PO Schrell comes up with her own pair of handcuffs and secures them on § 87(2)(b)'s wrists. Multiple individuals are depicted complaining to officers about their handling of § 87(2)(b) throughout the footage.

§ 87(2)(b) provided testimony over the phone and in his sworn statement consistent with the video evidence discussed above other than that he never stated he tried to walk away from Lt. Daverin (BR 20-21). Lt. Daverin initiated physical contact between them when the lieutenant grabbed his sweatshirt. § 87(2)(b) responded by holding his hands out to his sides away from Lt. Daverin and offered no physical resistance until he was placed on the police vehicle and tried to brace himself with one arm on its hood.

§ 87(2)(b) provided testimony in his sworn statement consistent with § 87(2)(b)'s barring the following points (BR 22). Lt. Daverin initiated physical contact with § 87(2)(b) once § 87(2)(b) was placed against the police vehicle to be arrested. § 87(2)(b) described no physical aggression or resistance from § 87(2)(b).

Lt. Daverin provided testimony consistent with the video evidence (BR 23). He initially approached the vehicle with PO Schrell and PO Vukosa when he observed § 87(2)(b)'s vehicle idling in a No Parking zone with window tints. When § 87(2)(b) attempted to walk away from his own vehicle after Lt. Daverin asked him for identification, Lt. Daverin assumed that § 87(2)(b) wanted to create distance from the vehicle due to possible contraband within and gain a position to potentially inflict harm upon Lt. Daverin. Lt. Daverin initially pulled § 87(2)(b) in front of him in order to put himself in a more advantageous position. § 87(2)(b) pushed Lt. Daverin's hand off his shoulder and pushed on his upper body with one hand. To gain control of § 87(2)(b) Lt. Daverin grabbed his upper body. § 87(2)(b) resisted Lt. Daverin's attempts to hold his arm behind his back by flexing and tensing his arms and moving his body weight back and forth. Lt. Daverin placed the front of § 87(2)(b)'s upper body onto the hood of the police vehicle to gain enough leverage to successfully place § 87(2)(b)'s hands behind his back. When Lt. Daverin was presented the above-discussed footage during his interview, he clarified that when he told § 87(2)(b) to "go get" his identification that he meant for § 87(2)(b) to produce it from his pocket, as generally people keep their identification on their person, and was not telling him to go to the vehicle to get it.

PO Schrell stood by the front passenger door of § 87(2)(b)'s vehicle and her attention was focused on § 87(2)(b) who was inside the vehicle, when she noticed PO Vukosa and Lt. Daverin attempting to arrest § 87(2)(b) at the rear of the vehicle (BR 24). She witnessed PO Vukosa and Lt. Daverin holding § 87(2)(b)'s arms to place them behind his back. § 87(2)(b) resisted by stiffening his arms and was screaming.

PO Vukosa stated that when § 87(2)(b) started walking away from Lt. Daverin, he passed within a foot of the lieutenant (BR 25). PO Vukosa did not see exactly what happened but Lt. Daverin immediately started restraining § 87(2)(b). When Lt. Daverin grabbed both of

§ 87(2)(b) s arms to pull them behind his back, § 87(2)(b) attempted to pull his arms away. PO Vukosa and Lt. Daverin bent § 87(2)(b) over the hood of the police vehicle to offset his balance and gain control of his arms.

The arrest report for § 87(2)(b) noted that a forcible takedown was used to overcome § 87(2)(b) s resistance (BR 26). In the corresponding Threat, Resistance, or Injury (TRI) Incident Report prepared by Lt. Daverin, the same information is provided (BR 27). Lt. Daverin explained during his interview that the most similar action to a forcible takedown that he took was putting § 87(2)(b) against the police vehicle and that he believed that the notation was made in error. Additionally, the TRI Report noted that § 87(2)(b) pushed and shoved Lt. Daverin despite a notation that no force was used by § 87(2)(b). Lt. Daverin confirmed during his interview that the contradictory notations were made in error and that § 87(2)(b) did push him.

Officers may use force to ensure the safety of a member of service, place a person in custody and/or gain compliance (BR 28-29). The level of force must be reasonable under the circumstances (Patrol Guide Procedure 221-01) (Patrol Guide Procedure 221-02).

§ 87(2)(g)

§ 87(2)(g)

Allegation C – Force: On December 14, 2018, in front of § 87(2)(b) in Brooklyn, Police Officer Jessica Schrell used physical force against § 87(2)(b)

Footage was extracted using the program InputAce from the body-worn camera of Lt. Daverin to best depict this allegation (BR 30). In discussing the footage, the video player’s durational timestamp of the extracted clip will be referenced, not the onscreen timestamp or the durational timestamp of Lt. Daverin’s extended footage. At 00:00, Lt. Daverin holds § 87(2)(b) by his left arm as they pass PO Schrell on her right. She is heard stating, “Back the fuck up.” At 00:02, § 87(2)(b) s face and upper body lean in front of Lt. Daverin’s camera toward § 87(2)(b) while § 87(2)(b) tells § 87(2)(b) “No papi, no, no.” PO Schrell’s right arm is briefly depicted raised in the direction of § 87(2)(b) s upper body and head. Lt. Daverin’s camera is shaky and the exact nature of any physical contact at this point is unclear. At 00:04, § 87(2)(b) states, “Oh, you just grabbed my face?” At no other point in the available footage does § 87(2)(b) accuse PO Schrell of having just grabbed his face.

§ 87(2)(b) alleged that PO Schrell grabbed his face when she asked him for keys to his vehicle and placed her hands in his pockets. He informed her that he did not have the keys. PO Schrell then placed her hand over § 87(2)(b) s face, grabbed it, and pushed his head backwards.

§ 87(2)(b) did not testify to this allegation.

PO Schrell testified that before and after § 87(2)(b) was handcuffed, he behaved aggressively and cursed angrily at the officers. After he was handcuffed, § 87(2)(b) lunged his face toward PO Schrell's within three inches. PO Schrell extended her arm toward § 87(2)(b) and pushed his upper body with an open palm to maintain distance. She did not recall where on § 87(2)(b)'s upper body she made contact.

Neither Lt. Daverin nor PO Vukosa recalled observing PO Schrell make any contact with § 87(2)(b)'s face.

§ 87(2)(g)

Allegation D – Force: On December 14, 2018, in front of § 87(2)(b) in Brooklyn, Sergeant Gregg Minardi used physical force against § 87(2)(b)

Allegation E – Abuse of Authority: On December 14, 2018, in front of § 87(2)(b) in Brooklyn, Sergeant Gregg Minardi interfered with § 87(2)(b)'s use of a recording device.

Allegation F – Force: On December 14, 2018, in front of § 87(2)(b) in Brooklyn, Sergeant Gregg Minardi used physical force against § 87(2)(b)

Footage from the body-worn camera of PO Jason McConnell of the 90th Precinct was extracted using the program InputAce to present the clearest depiction of these allegations (BR 32). In discussing the footage, the video player's durational timestamp of the extracted clip will be referenced, not the onscreen timestamp or the durational timestamp of PO McConnell's extended footage. From 00:00 to 00:05, § 87(2)(b) is depicted standing on the sidewalk holding a cellphone at chest level with its camera facing officers and § 87(2)(b) in the street. From 00:05 to 00:08, § 87(2)(b) moves into the street approximately seven steps away from the curb. From 00:09 to 00:16, Sgt. Minardi approaches her, grabs her left arm with both hands, pivots toward the sidewalk and pulls § 87(2)(b)'s arm toward the sidewalk. He states, "This way," as § 87(2)(b) tells him to get off of her. Sgt. Minardi tells her to get on the sidewalk as § 87(2)(b) walks into the street. § 87(2)(b) walks backwards onto the sidewalk. At 00:16, Sgt. Minardi pushes § 87(2)(b) on her left shoulder with both hands, which causes her to take several steps backward out of the street and onto the sidewalk. At 00:18, Sgt. Minardi repeats for both of them to get on the sidewalk and no longer engages them once they are on the sidewalk.

§ 87(2)(b) did not cooperate in providing a verified statement but stated in an unverified telephone statement that after § 87(2)(b) was arrested, she went toward him and officers in the street and began to record the incident on her cellphone (BR 33). As she attempted to record, Sgt. Minardi grabbed her arm and turned her away from § 87(2)(b) and officers. § 87(2)(b) believed that Sgt. Minardi did this to prevent her from recording.

In his verified statement, § 87(2)(b) stated § 87(2)(b) was attempting to record the incident, screaming at the officers to stop, when Sgt. Minardi pushed her in an unspecified way which forced her to take some steps backwards.

When Sgt. Minardi arrived on scene, he observed multiple civilians yelling and recording the interaction using their cellphones (BR 34). Due to the crowd of civilians on the sidewalk, Sgt. Minardi wanted to make sure that no civilian ran into the street so he stood by the curb. He observed § 87(2)(b) run into the street while holding a cellphone elevated in front of her. To prevent § 87(2)(b) from running further into the street, Sgt. Minardi grabbed one of her arms

with one hand and moved his arm and § 87(2)(b) toward the sidewalk. § 87(2)(b) was guided back onto the sidewalk. He only did this for § 87(2)(b)'s safety and made no attempt at any point to interfere with any recording. Once back on the sidewalk, § 87(2)(b) remained there. Sgt. Minardi was presented the above-cited footage during his interview and reiterated that he only physically interacted with § 87(2)(b) and denied observing any physical interactions with any other individuals at that point, including § 87(2)(b). However, his explanation for the point at which it was depicted that he pushed § 87(2)(b) was that he observed himself pushing § 87(2)(b)'s arm down, which he did because she raised it towards him and he did not know what she intended to do by raising her arm. He stated that he only wanted to maintain distance between himself and § 87(2)(b) for his safety, as well as to further prevent her from standing in the street.

Officers may use force to ensure the safety of a person or otherwise protect life and the level of force must be reasonable under the circumstances (Patrol Guide Procedure 221-01).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation G – Force: On December 14, 2018, in front of § 87(2)(b) in Brooklyn, Lieutenant Henry Daverin used physical force against § 87(2)(b)

Footage from the body-worn camera of Lt. Daverin was extracted using the program InputAce to present the clearest depiction of this allegation (BR 35). In discussing the footage, the video player's durational timestamp of the extracted clip will be referenced, not the onscreen timestamp or the durational timestamp of Lt. Daverin's extended footage. From 00:00 to 00:11, Lt. Daverin orders § 87(2)(b) out of § 87(2)(b)'s vehicle as he and PO Schrell attempt to secure it to remove it to the stationhouse. Lt. Daverin moves to the open passenger door, where § 87(2)(b) is sitting, and he orders her out of the car twice more. At 00:12, he extends his arms toward § 87(2)(b). No physical contact is clearly depicted due to the close proximity of the camera to § 87(2)(b). At 00:13, § 87(2)(b) approaches and tells Lt. Daverin, "Get the fuck off of her." At 00:15, Lt. Daverin turns his attention to § 87(2)(b).

§ 87(2)(b) did not cooperate in providing a verified statement but in an unverified telephone statement she stated she attempted enter § 87(2)(b)'s vehicle to remove her purse when Lt. Daverin grabbed her arm and pulled her away from the vehicle (BR 36). § 87(2)(b) and § 87(2)(b) in their sworn statements corroborated § 87(2)(b)'s allegation.

Lt. Daverin's testimony was similarly consistent with the video evidence in that he pulled § 87(2)(b) away from § 87(2)(b)'s vehicle out of concern that she was removing contraband or taking § 87(2)(b)'s property, which Lt. Daverin wanted to keep secure so that it could be invoiced for safekeeping.

Officers may use a reasonable amount of force in order to gain compliance from an uncooperative subject (Patrol Guide Procedure 221-02).

§ 87(2)(g)

§ 87(2)(g)

Allegation H – Discourtesy: On December 14, 2018, in front of § 87(2)(b) in Brooklyn, Lieutenant Henry Daverin spoke discourteously to § 87(2)(b)

Footage from the body-worn camera of Lt. Daverin was extracted using the program InputAce to present the clearest depiction of this allegation (BR 35). In discussing the footage, the video player's durational timestamp of the extracted clip will be referenced, not the onscreen timestamp or the durational timestamp of Lt. Daverin's extended footage. At 00:14, Lt. Daverin turns to § 87(2)(b) and asks, "Are you out of your fucking mind?" No physical contact between Lt. Daverin and § 87(2)(b) is clearly depicted prior to Lt. Daverin's utterance as the camera is turned toward § 87(2)(b) and is shaky.

§ 87(2)(b) stated that when he observed Lt. Daverin pulling § 87(2)(b) from the vehicle, he approached Lt. Daverin and told him to calm down. § 87(2)(b) then put himself in between Lt. Daverin and § 87(2)(b) raising his arms to try and separate them. § 87(2)(b) used his hand and forearm to lightly push Lt. Daverin's chest. Lt. Daverin let go of § 87(2)(b) § 87(2)(b) turned toward § 87(2)(b) and asked him what he was doing. § 87(2)(b) said nothing and moved away from Lt. Daverin toward a school gate. § 87(2)(b) backed up, with his back toward the gate. He did not testify to any discourteous remarks made by Lt. Daverin at this point.

Directly after physically moving § 87(2)(b) away from § 87(2)(b)'s vehicle, Lt. Daverin stated that § 87(2)(b) intervened by pushing Lt. Daverin with two hands against his chest. Lt. Daverin did not recall any specific verbal response to § 87(2)(b)'s physical intervention but stated he might have asked him, "Are you out of your fucking mind?"

Officers are to be courteous and respectful to civilians (BR 31) (Patrol Guide Procedure 203-09). An exception to this rule exists that if an officer uses discourteous remark in an impulsive and spontaneous utterance when physically assaulted by § 87(2)(b) during a stressful encounter (BR 37) (NYPD Disciplinary Case #2013-10143).

§ 87(2)(b) admitted to pushing Lt. Daverin on his chest. Lt. Daverin testified to possibly asking if § 87(2)(b) was "out of his fucking mind" after being pushed.

§ 87(2)(g)

Allegation I – Force: On December 14, 2018, in front of § 87(2)(b) in Brooklyn, Lieutenant Henry Daverin hit § 87(2)(b) against an inanimate object.

Allegation J – Force: On December 14, 2018, in front of § 87(2)(b) in Brooklyn, Lieutenant Henry Daverin used physical force against § 87(2)(b)

Allegation K – Abuse of Authority: On December 14, 2018, in front of § 87(2)(b) in Brooklyn, Lieutenant Henry Daverin threatened § 87(2)(b) with the use of force.

Footage from Lt. Daverin’s body-worn camera captures these allegations starting at 00:16 (BR 35), however, footage from § 87(2)(b)’s cellphone footage provides a more comprehensive, though more pixelated, angle. Footage from § 87(2)(b)’s cellphone was extracted using the program InputAce to present another view of these allegations (BR 38). In discussing § 87(2)(b)’s footage, the video player’s durational timestamp of the extracted clip will be referenced, not the durational timestamp of § 87(2)(b)’s extended footage, which has no on-screen timestamp. At 00:11, § 87(2)(b) moves toward Lt. Daverin and no physical contact is depicted. At 00:13, § 87(2)(b) backs away from Lt. Daverin. After shaky camerawork from 00:16 to 00:19, Lt. Daverin pursues § 87(2)(b) as they both run on the sidewalk. At 00:20, Lt. Daverin wraps both his arms around § 87(2)(b) from behind and they continue to run next to a metal gate. Lt. Daverin attempts to turn his body as his arms are wrapped around § 87(2)(b)’s waist. At 00:24, the front of § 87(2)(b)’s body faces Lt. Daverin. § 87(2)(b) stands next to the gate and it is not clear where his hands are. From 00:24 to 00:30, Lt. Daverin makes several jerking motions with his and § 87(2)(b)’s bodies away from the gate. PO Schrell then approaches and puts her hands on § 87(2)(b)’s right upper arm as she makes pulling motions upon § 87(2)(b) away from the gate. From 00:30 to 00:00:34, § 87(2)(b) turns and places his hands out and away from his body. § 87(2)(b) Lt. Daverin, and PO Schrell move away from the gate as Lt. Daverin hunches forward, holding § 87(2)(b)’s torso, and pivots toward the ground. PO Schrell is behind § 87(2)(b) and her physical contact is not depicted. From 00:34 to 00:38, § 87(2)(b)’s body moves so that he is now hunched over, at which point he falls forward onto his chest and stomach while Lt. Daverin keeps his right arm around § 87(2)(b)’s torso and grabs § 87(2)(b)’s left arm with his left hand. § 87(2)(b)’s face and/or head do not appear to make contact with the ground and he moves his head around freely immediately upon being on the ground. PO Schrell is seen on her knees on § 87(2)(b)’s right as she holds his left arm behind his back. Lt. Daverin places his right knee on § 87(2)(b)’s lower back and/or buttocks as he holds § 87(2)(b)’s left arm and takes control of § 87(2)(b)’s right arm from PO Schrell with his right hand. From 00:38 to 00:53, Lt. Daverin holds § 87(2)(b)’s left wrist behind § 87(2)(b)’s back with his right hand as § 87(2)(b) places his right hand under his body and appears to try and raise himself from the ground. § 87(2)(b)’s footage of the allegation ends at this point but Lt. Daverin’s footage depicts from 00:42 to 01:06 that Lt. Daverin successfully handcuffs § 87(2)(b) as § 87(2)(b) tells him to bend his arm. Lt. Daverin tells him that he is “flexing.”

§ 87(2)(b) testified consistently with the video footage barring the following points. He claimed that he grabbed the metal bars of the gate with both hands after Lt. Daverin grabbed his waist and that Lt. Daverin pushed him against the gate, causing § 87(2)(b)’s face to be up against the gate. When Lt. Daverin tried to pull § 87(2)(b)’s arm off of the gate, he told Lt. Daverin that he was going to break his arm. Lt. Daverin allegedly responded that he would break his arm, pulling even harder on § 87(2)(b)’s arm. § 87(2)(b) landed face-first, making contact with the ground during this takedown. § 87(2)(b) did not testify to any injuries.

Lt. Daverin's statement was consistent with the video footage other than he did not recall any fences or other inanimate objects nearby or any other officers assisting. Lt. Daverin stated after § 87(2)(b) pushed him, he engaged Lt. Daverin in a menacing stance, described as having his shoulders hunched and inward and his fists clenched like a fighting stance. § 87(2)(b) made menacing statements to Lt. Daverin that he did not recall.

Officers may use force to place a person in custody. The level of force must be reasonable under the circumstances (Patrol Guide Procedure 221-01). A police officer, in the course of effecting an arrest or preventing or the escape from custody, of a person whom he reasonably believes to have committed an offense, may use physical force when and to the extent he reasonably believes such to be necessary to effect the arrest (BR 39) (New York State Penal Law § 35.30).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation L – Discourtesy: On December 14, 2018, in front of § 87(2)(b) in Brooklyn, Police Officer Philippe Vukosa spoke discourteously to § 87(2)(b)

Footage from the body-worn camera of PO Vukosa was extracted using the program InputAce to present this allegation (BR 40). In discussing the footage, the video player's durational timestamp of the extracted clip will be referenced, not the onscreen timestamp or the durational timestamp of PO Vukosa's extended footage. From 00:00 to 00:23, PO Vukosa is placing § 87(2)(b) into the back of a police vehicle as PO Vukosa tells him four times in quick succession, "In the car," and then tells him to have a seat. § 87(2)(b) continues to stand outside the vehicle and talks to various people. At 00:23, PO Vukosa tells § 87(2)(b) "Sit in the fucking car." From 00:30 to 01:40, after § 87(2)(b) verbally refuses to get in the vehicle, he does so and PO Vukosa enters the backseat from the other side. From 01:40 to 01:56 § 87(2)(b) complains about the incident. It is unclear who § 87(2)(b) is speaking to but PO Vukosa looks at him and states, "Yo, give me the phone. Yo, give me the fucking phone." § 87(2)(b) states, "He's punching me in the face." At 02:00, after what appears to be a minor physical struggle where PO Vukosa is apparently taking § 87(2)(b)'s phone from him, PO Vukosa states, "Give me your fucking phone."

§ 87(2)(b) testified that PO Vukosa confiscated his cellphone as § 87(2)(b) was using it inside the police vehicle. He did not testify that PO Vukosa used any discourteous statements at the time or that the officer struck him in the face at the time.

PO Vukosa did not recall telling § 87(2)(b) to “sit in the fucking car” or to give him “the fucking phone” or any other profanity at this point in the incident. He stated that it was possible he used such profanity due to the tense situation and frustration with the crowd and the general incident. When presented the above-cited footage, PO Vukosa identified himself as making the discourteous statements.

Officers are to be courteous and respectful to civilians (Patrol Guide Procedure 203-09).

§ 87(2)(g)

§ 87(2)(g)

Allegation M - Abuse of Authority: On December 14, 2018, in front of § 87(2)(b) in Brooklyn, Police Officer Tyler Howe interfered with § 87(2)(b)'s use of a recording device.

Footage from the body-worn camera of Lt. Timothy Fox of the 90th Precinct was extracted using the program InputAce to present the clearest depiction of this allegation (BR 41). In discussing the footage, the video player’s durational timestamp of the extracted clip will be referenced, not the onscreen timestamp or the durational timestamp of Lt. Fox’s extended footage. At 00:00, § 87(2)(b) asks § 87(2)(b) to record the interaction. At 00:04, § 87(2)(b) in the street holding a phone in front of his chest tells PO Vukosa that what he is doing is not police procedure. PO Vukosa tells him that confiscating § 87(2)(b)'s phone is police procedure. At 00:09, PO Tyler Howe steps into the street and tells the individual to get out of the street before he gets handcuffs on him.

§ 87(2)(b) testified that he asked § 87(2)(b) who he only knows by the street name of “§ 87(2)(b)” to record himself and PO Vukosa in the police vehicle because PO Vukosa had just taken his phone. § 87(2)(b) wanted the individual to record the interaction because he believed PO Vukosa was not allowed to take his phone. When the individual began to record next to the vehicle, PO Howe told him to step back and “mind his business,” which § 87(2)(b) believed was an effort to interfere with recording by “§ 87(2)(b)”

§ 87(2)(b) did not provide any contact information for “§ 87(2)(b)” and was only familiar with him from seeing him around the area. § 87(2)(b) did not respond to follow-up contact attempts made to glean further information regarding the victim of this allegation.

PO Howe recalled there being approximately 30 civilians on scene, more than the number of officers, with a few in the street when he arrived on scene (BR 42). He observed many of the civilians recording the incident on their cellphones. He told those individuals in the street to get back on the sidewalk. PO Howe told only one civilian that they would be handcuffed if they did not get back on the sidewalk. Eventually, those civilians in the street complied with his orders. PO Howe stated that those civilians were committing disorderly conduct and blocking vehicular traffic, which are arrestable offenses. He stated that, due to civilians outnumbering officers and the general chaos on scene, if any civilian did not listen to orders from officers they could be cuffed to help contain the situation. PO Howe stated his only goal on scene was to make sure civilians stayed out of the street.

It is a violation to obstruct vehicular traffic (BR 43) (New York State Penal Law § 240.20).

§ 87(2)(g)

§ 87(2)(g)

Allegation N - Abuse of Authority: On December 14, 2018 in front of § 87(2)(b) in Brooklyn, Lieutenant Henry Daverin seized § 87(2)(b)'s property.

Footage from the body-worn camera of PO Vukosa was extracted using the program InputAce to present § 87(2)(b) telling Lt. Daverin that the vehicle was his at 00:26 (BR 19). Footage from the body-worn camera of PO Schrell was extracted using the program InputAce to present § 87(2)(b) generally stating that the vehicle was hers after Lt. Daverin directs PO Schrell to secure the vehicle at 00:04 (BR 44). Footage from the body-worn camera of Lt. Daverin was extracted using the program InputAce to present § 87(2)(b) directly telling Lt. Daverin at 00:02 that the vehicle was hers after Lt. Daverin directs PO Schrell again to secure the vehicle (BR 45). In discussing the aforementioned footage, the video player's durational timestamp of the extracted clips will be referenced, not the onscreen timestamp or the durational timestamp of any of the officers' extended footage.

§ 87(2)(b) stated that his vehicle was seized and he went some days later to the 90th Precinct stationhouse to pick it up.

Lt. Daverin believed he directed PO Schrell to take the vehicle, which is corroborated by the video evidence. When presented the above-cited footage, Lt. Daverin explained that, in general, if a civilian came up to him and identified a vehicle as their own when an arrestee had also identified it as their own, he would need some sort of proof of ownership at which point it would be returned to them.

An NYPD Property Clerk Invoice shows that the subject vehicle was invoiced by PO Schrell on the incident date for safekeeping, approved by Lt. Daverin, and that it was returned to its owner, § 87(2)(b) the following day (BR 46). Records from the New York State Department of Motor Vehicles confirm that § 87(2)(b) owned the vehicle on the incident date (BR 47).

Officers can seize vehicles to determine the true owner and/or for safekeeping on behalf of the arrested owner if not invoiced as arrest evidence (BR 48) (NYPD Patrol Guide Procedure 218-19).

§ 87(2)(g)

Allegation O - Abuse of Authority: On December 14, 2018, at the 90th Precinct stationhouse, Police Officer Erdem Ozen performed a cavity search of § 87(2)(b)

Footage from the body-worn camera of PO Ozen was extracted using the program InputAce to present the clearest depiction of this allegation (BR 49). In discussing the footage, the video player's durational timestamp of the extracted clip will be referenced, not the onscreen timestamp or the durational timestamp of PO Ozen's extended footage. At 00:00, § 87(2)(b) is processed at the front desk of the 90th Precinct stationhouse before he is taken to the holding cells area. At

00:12, PO Ozen stands behind § 87(2)(b) and lifts the bottom of the back of his shirt up to his shoulder blades with his left hand, which is ungloved. PO Ozen's right hand and § 87(2)(b)'s body below his upper back are not visible. At 00:14, § 87(2)(b) immediately turns around and tells PO Ozen to relax and asks why PO Ozen is going "in his ass." At 00:18, tells § 87(2)(b) that he is just "checking § 87(2)(b) out." At 00:27, PO Ozen directly denies going in § 87(2)(b)'s buttocks. At 00:29, both of PO Ozen's hands are depicted briefly as he frisks § 87(2)(b)'s legs at the end of the footage and they both appear to be ungloved.

§ 87(2)(b) stated that while he was at the front desk, PO Ozen placed gloves on and reached into § 87(2)(b)'s pants under his underwear. PO Ozen then swiped between § 87(2)(b)'s buttocks with one finger. When § 87(2)(b) asked what he was doing, PO Ozen responded that he was looking for drugs.

PO Ozen stated that he frisked § 87(2)(b)'s entire body top-down, including the front and back of his torso, front and back of his waist, arms, legs, and feet (BR 50). § 87(2)(b) made irate statements regarding his arrest while being processed at the stationhouse. Other than general anger and upset about being arrested, § 87(2)(b) did not make any complaints regarding specific actions taken by PO Ozen. He searched § 87(2)(b)'s pockets at the front desk. PO Ozen did not reach into any other parts of § 87(2)(b)'s clothing. When presented the above-cited footage, PO Ozen stated that he lifted § 87(2)(b)'s shirt by approximately five to six inches to inspect his waistband area. Three to four inches of § 87(2)(b)'s stomach were exposed. PO Ozen did this as the bottom of § 87(2)(b)'s shirt covered his waistband. He did not frisk the portion of clothing covering § 87(2)(b)'s buttocks and he did not inspect the inside of § 87(2)(b)'s waistband or reach under any of his clothing. At the moment that § 87(2)(b) accused PO Ozen of going into his buttocks, PO Ozen's hand outside of the frame was either patting § 87(2)(b)'s waistband or not touching § 87(2)(b) at all. PO Ozen described § 87(2)(b)'s accusatory remark as false.

§ 87(2)(g) It is apparent that PO Ozen is not wearing gloves and he never mentions that he is looking for drugs to § 87(2)(b) he only states that he is "checking [him] out." PO Ozen denied reaching between § 87(2)(b)'s buttocks and stated he only raised his shirt to be able to inspect § 87(2)(b)'s waist without his shirt obstructing, which is consistent with the available footage. The available footage does not depict where PO Ozen's right hand is when § 87(2)(b) makes his accusation while the hand is in the vicinity of § 87(2)(b)'s buttocks.

§ 87(2)(g)

Allegation P - Abuse of Authority: On December 14, 2018, at the 90th Precinct stationhouse in Brooklyn, Lieutenant Henry Daverin strip-searched § 87(2)(b)

Allegation S - Abuse of Authority: On December 14, 2018, at the 90th Precinct stationhouse in Brooklyn, Police Officer Tyler Howe performed a cavity search of § 87(2)(b)

Footage from the body-worn camera of PO Vukosa was extracted using the program InputAce to present § 87(2)(b)'s time in the stationhouse from the time he was processed at the front desk up to the point where PO Howe took him into a bathroom for the strip search (BR 51). In discussing the footage, the video player's durational timestamp of the extracted clip will be referenced, not the onscreen timestamp or the durational timestamp of PO Vukosa's extended

footage. At 08:15, while in the holding cells area, PO Howe directs § 87(2)(b) to lower his sweatpants which reveals a pair of basketball shorts over a pair of underwear. At 08:18, PO Howe frisks § 87(2)(b)'s shorts. PO Howe's hands are not shown going under any articles of § 87(2)(b)'s clothing or going into his intergluteal cleft. Footage from the body-worn camera of PO Vukosa provides the clearest depiction of the strip search of § 87(2)(b) (BR 52). In discussing the footage, the video player's durational timestamp of the extracted clip will be referenced, not the onscreen timestamp or the durational timestamp of PO Vukosa's extended footage. At 00:00, PO Howe takes § 87(2)(b) into a bathroom to strip-search him. PO Vukosa's camera does not have a direct view into the bathroom. The only physical interaction depicted between PO Howe and § 87(2)(b) is PO Howe holding § 87(2)(b) against a wall in the bathroom by the area at the top of his back and bottom of his neck at 00:30 in the footage. At 00:45, PO Howe pulls up § 87(2)(b)'s underpants and pants.

During his arrest, § 87(2)(b) stated he only used his arms to brace himself against the police vehicle he was placed against. In the vehicle he was placed and transported in, the only movements he made were to move his tightly-handcuffed hands out from under himself. He positioned his upper body diagonally to relieve pressure on his lower body. In the general holding cells area, he told PO Howe that he had less than a gram of marijuana in a small pocket of his basketball shorts, which PO Howe located and told § 87(2)(b) "Now I have to strip-search you." PO Howe lowered § 87(2)(b)'s sweatpants, shorts, and underwear to his ankles, fully exposing § 87(2)(b)'s flesh from his waist to his ankles. He described two prisoners in a cell facing him from about four to five feet toward the holding cells area entrance, § 87(2)(b) and a male officer two to three feet away from § 87(2)(b) toward the entrance, and another male officer in the general cells area, all with a clear view of § 87(2)(b). PO Howe swiped his open hand in between § 87(2)(b)'s buttocks. § 87(2)(b) pushed with his cuffed hands to swat PO Howe's hand away. PO Howe turned § 87(2)(b) around and physically guided him into a bathroom. While in the bathroom, PO Howe swiped his open hand in between § 87(2)(b)'s buttocks again. PO Howe then pulled § 87(2)(b)'s underwear, shorts, and sweatpants back up to his waist and walked him back into the general holding cells area. § 87(2)(b) described the two prisoners as a 23-year old heavyset Hispanic male who appeared 30 years old and a stocky black male with a scar on his lower face who stood at average male height. In a conversation with the black male after the incident, § 87(2)(b) gleaned his Instagram handle.

§ 87(2)(b) did not provide his Instagram handle to the CCRB and neither prisoner was identified due to § 87(2)(b) not responding to follow-up contact attempts and the prisoner holding pen roster and Command Log were redacted regarding those prisoners. The investigation determined, based on the video footage depicting the entrance of the bathroom out of the line of sight from any position within a cell, that neither prisoner was able to observe actions within the bathroom of the holding cells area.

§ 87(2)(b) stated that after he entered the holding cells area, he observed officers bringing § 87(2)(b) into the bathroom but § 87(2)(b) had no clear view of the bathroom's interior. He could not observe any strip search take place. He heard § 87(2)(b) verbally refuse to be strip-searched and telling officers he was not carrying drugs and was not arrested for such an offense.

Lt. Daverin stated that while escorting § 87(2)(b) to a police vehicle, he observed § 87(2)(b) moved his hands up and down outside of his pants near his intergluteal cleft. This indicated to Lt. Daverin that § 87(2)(b) might be trying to secrete contraband in his

buttocks. Lt. Daverin later observed § 87(2)(b) in the back of a police vehicle shifting his weight from side-to-side which indicated to Lt. Daverin that § 87(2)(b) might be trying to dispose of contraband within the vehicle or secrete it in his buttocks. Lt. Daverin, in his police experience, especially as an Anti-Crime officer, has seen multiple individuals make these movements before contraband was later revealed either in the vehicle or in their buttocks. At the 90th Precinct stationhouse's front desk, Lt. Daverin authorized officers whom he did not recall to conduct a strip search on § 87(2)(b). A large transparent window near the front desk allowed the lieutenant a complete view of the holding cells, including a direct line of sight to the bathroom entrance. Lt. Daverin stated that he observed § 87(2)(b)'s strip search conducted by officer(s) whom he did not recall. When asked to describe what specific actions he observed, his legal counsel requested a break. After a brief back-and-forth where the lieutenant's counsel directed Lt. Daverin to refrain from answering any further questions from the CCRB until they had a chance to speak, supervision was sought. When back on the record, Lt. Daverin stated he did not observe any of steps taken during § 87(2)(b)'s strip search. Lt. Daverin was not aware of any issues during the strip search other than the fact that PO Vukosa recorded it with his body-worn camera, which Lt. Daverin first became aware of during an interview he had with IAB before he was interviewed by the CCRB regarding this incident. Due to a commotion in the civilian waiting area, Lt. Daverin was distracted and he forgot to direct any officers to make the necessary notations in § 87(2)(b)'s arrest report. Lt. Daverin stated some amount of marijuana was recovered from § 87(2)(b)'s buttocks.

PO Howe stated that when at the front desk, Lt. Daverin authorized a strip search for § 87(2)(b). PO Howe never asked for or learned the reasons to conduct the strip search. PO Howe made no observations that indicated to him that § 87(2)(b) needed to be strip searched. PO Howe went to the holding cells area and believed that multiple officers would be needed for § 87(2)(b) due to his irateness at the stationhouse. § 87(2)(b) needed to be handcuffed during his strip search due to his non-compliance and physical resistance, described as swinging his arms as they were cuffed behind him and throwing his shoulders around while moving his upper body back and forth. § 87(2)(b) also resisted from walking into the bathroom inside the cells area. PO Howe physically escorted § 87(2)(b) into the bathroom with another officer he did not recall. PO Howe did not recall any specific actions he or any other officers took during the strip search. PO Howe only stated he assisted in some manner by holding some portion of one of § 87(2)(b)'s arms to prevent him from violently swinging his arms and throwing his shoulders. An unidentified officer lowered § 87(2)(b)'s pants and underpants for him. No contraband was recovered from the strip search. Prior to the strip search, either at the desk or in the cells area, an unknown amount of marijuana was recovered somehow from § 87(2)(b)'s groin area. PO Howe stated that the contraband was recovered from § 87(2)(b)'s waistband, but did not recall if § 87(2)(b) volunteered the marijuana to officers.

PO Howe made a delayed memo book entry on December 21, 2018, regarding § 87(2)(b)'s strip search (BR 77). PO Howe stated he initially forgot to record this on the incident date and independently remembered on December 21, 2018, to make a memo book entry. PO Howe wrote that § 87(2)(b) was searched incident to arrest and upon recovering narcotics from his underwear, a strip search was authorized by Lt. Daverin. § 87(2)(b) refused and was restrained until the strip search was completed. § 87(2)(b) was highly combative and attempted to fight back.

PO Vukosa stated that PO Howe conducted a search of § 87(2)(b)'s person in the general holding cells area, such as is standard for interning a prisoner. As PO Howe attempted to search near § 87(2)(b)'s waist area, § 87(2)(b) swatted PO Howe's hand away with his hands. PO Howe took a handcuffed § 87(2)(b) to the holding cells area's bathroom to strip search him upon Lt. Daverin's authorization. PO Vukosa was not present for this authorization and never learned the reason for the authorization. PO Vukosa recalled that PO Shane Wynn was also in the cells area during § 87(2)(b)'s strip-search. PO Vukosa remained in the general holding cells area and did not observe the strip search until he heard some shuffling and the sounds of a physical interaction in the bathroom which indicated to him the possibility of a scuffle in the bathroom. PO Vukosa went to look in the bathroom and see if assistance was required. He observed PO Howe holding § 87(2)(b) against a wall and the situation appeared normal so PO Vukosa backed away from the bathroom. He did not observe the conclusion of the search but stated marijuana was recovered during it.

PO Wynn recalled working with PO Howe in the cells area during § 87(2)(b)'s arrest processing (BR 53). PO Howe initiated a strip search of § 87(2)(b) for reasons that PO Wynn did not know. PO Howe brought § 87(2)(b) into a small, private bathroom in the cells area and both of them stepped inside. PO Wynn stood just behind PO Howe in the doorway of the bathroom. PO Wynn did not recall exactly how PO Howe conducted the strip search. PO Wynn did not recall § 87(2)(b)'s reaction to being strip search or whether he resisted the procedure. He did not believe any weapons or contraband were recovered.

PO Schrell only described § 87(2)(b)'s physical behavior during his arrest as tensing his arms and did not testify to any behavior of § 87(2)(b) indicative of concealing contraband on his person. She did not observe his strip search. The only marijuana she was aware of that was recovered was from an inventory search of § 87(2)(b)'s vehicle which she herself conducted.

The entry of § 87(2)(b)'s arrest in the Command Log has a notation in the margin recording Lt. Daverin's authorization of the strip search and revealed marijuana on § 87(2)(b)'s person (BR 54). The report for § 87(2)(b)'s arrest indicated that no strip search was conducted (BR 26). PO Schrell's memo book did not have any record of any strip search being conducted upon § 87(2)(b) (BR 55).

Lt. Daverin was the only officer that testified to observing § 87(2)(b) making stuffing motions while he walked to and sat in a police vehicle. PO Vukosa remained with § 87(2)(b) from when he was initially handcuffed at the scene to the moment he was processed at the stationhouse. He did not make any such observations as described by Lt. Daverin. The video evidence cannot confirm or deny the lieutenant's testimony as § 87(2)(b)'s hands are not completely visible throughout the footage capturing that portion of the incident. As Lt. Daverin stated he observed the stuffing motion directly, PO Schrell's observations as the arresting officer were not necessary. Additionally, the result of § 87(2)(b)'s strip search and how marijuana was recovered from him was in dispute.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation Q - Abuse of Authority: On December 14, 2018, at the 90th Precinct stationhouse in Brooklyn, Lieutenant Henry Daverin authorized a strip search of § 87(2)(b)

Allegation W - Abuse of Authority: On December 14, 2018, at the 90th Precinct stationhouse in Brooklyn, Police Officer Philippe Vukosa performed a cavity search of § 87(2)(b)

Footage extracted from Lt. Daverin's body-worn camera (BR 35), from 00:38 to 01:03, and from § 87(2)(b)'s cellphone footage (BR 38), from 00:35 to 00:53, using the program InputAce depict § 87(2)(b)'s actions while he is being arrested shows that while Lt. Daverin pins § 87(2)(b)'s left arm behind his back, § 87(2)(b)'s right arm remains similarly pinned by the lieutenant before § 87(2)(b) frees his right arm. He does not move it toward his buttocks but instead places his palm on the floor and appears to try and push himself up from the ground. No video footage captures the entirety of § 87(2)(b)'s actions until he is successfully handcuffed. In discussing the aforementioned footage, the video player's durational timestamps of the extracted clips were referenced, not the onscreen timestamp or the durational timestamp of any extended footage sources. Footage depicting PO Vukosa's time in the stationhouse from § 87(2)(b)'s arrest processing at the front desk up to the point where PO Howe takes § 87(2)(b) into a bathroom for a strip search, does not depict any interaction between PO Vukosa and Lt. Daverin at any point (BR 51).

Footage from the body-worn camera of PO Vukosa was extracted using the program InputAce to present the strip search (BR 56). In discussing the footage, the video player's durational timestamp of the extracted clip will be referenced, not the onscreen timestamp or the durational timestamp of PO Vukosa's extended footage. From 00:16 to 00:23, PO Vukosa tells § 87(2)(b) in the holding cells area that no one is trying to strip search him and that officers are, "just trying to make sure you don't have drugs on you... got to make sure, you think people don't lie?" At 00:23, PO Vukosa tells § 87(2)(b) "I'm going to explain what we're going to do and it's not going to be a strip search." From 00:31 to 00:43, PO Vukosa tells § 87(2)(b) this is not a strip search and orders § 87(2)(b) into the bathroom and to pull his jeans around his knees but not to pull down his boxers. At 00:44, PO Vukosa further directs him to put his thumbs in the waistband of his boxers and move his hands forward and backward, which § 87(2)(b) does. At 00:53, PO Vukosa tells § 87(2)(b) to pull his pants back up and asks, "Wasn't that bad, right?"

During his arrest, § 87(2)(b) described his hand and arm motions as only consisting of grabbing a metal gate and then allowed himself to be handcuffed without any additional movements or resistance. § 87(2)(b)'s description of his interaction with PO Vukosa inside the bathroom of the cells area was not consistent with the video footage. § 87(2)(b) alleged that PO Vukosa took him into the bathroom after § 87(2)(b) was brought out and that PO Vukosa directed § 87(2)(b) to raise his hands and drop his underwear a bit. § 87(2)(b)

dropped his underwear to the middle of his thighs, exposing his penis and buttocks. PO Vukosa swiped under § 87(2)(b)'s testicles and up between his buttocks.

Lt. Daverin stated that while arresting § 87(2)(b) he observed § 87(2)(b) move his hands up and down toward his intergluteal cleft which indicated that he might be trying to secrete contraband in his buttocks. Lt. Daverin did not recall whether § 87(2)(b) reached inside his pants. Lt. Daverin, in his police experience, especially in Anti-Crime, has seen multiple individuals make this movement before contraband was later revealed either in the vehicle or in their buttocks. At the front desk, the lieutenant authorized officers whom he did not recall, to conduct a strip search of § 87(2)(b). Due to multiple civilians causing a commotion in the civilian waiting area, which Lt. Daverin did not recall being related to this incident, Lt. Daverin was distracted and he forgot to direct any officers to make the necessary notations in § 87(2)(b)'s arrest report. Lt. Daverin was at the front desk when § 87(2)(b) and § 87(2)(b) were taken to the cells area. Lt. Daverin stated that he observed § 87(2)(b)'s strip search conducted by officer(s) whom he did not recall. When asked to describe what specific actions he observed, his legal counsel requested a break. After a brief back-and-forth where the lieutenant's counsel directed Lt. Daverin to refrain from answering any further questions from the CCRB until they had a chance to speak, supervision was sought. When back on the record, Lt. Daverin stated that while he could view the cells area and the bathroom in that area, he did not observe any of steps taken during § 87(2)(b)'s strip search. Lt. Daverin was not aware of any issues during the strip search. Nothing was recovered from § 87(2)(b)'s strip search.

PO Vukosa stated that once at the stationhouse he escorted § 87(2)(b) to the front desk and then to the holding cells area. On the way from the desk to the holding cells area, Lt. Daverin verbally directed and authorized PO Vukosa to conduct a strip-search on § 87(2)(b) telling him something to the effect of, "Go do a strip search." PO Vukosa had no impression that § 87(2)(b) was concealing any contraband on his person. When § 87(2)(b) was escorted by other officers into the holding cells area, he made it clear that he did not want to be strip-searched. PO Vukosa's description of the strip search was entirely consistent with the video footage.

While PO Howe was at the desk, Lt. Daverin authorized a strip search for § 87(2)(b). PO Howe made no observations that indicated to him that § 87(2)(b) needed to be strip-searched and had no recollection of observing § 87(2)(b)'s strip search.

PO Ozen stated that he transported § 87(2)(b) to the stationhouse and did not recall any movements by § 87(2)(b) that would have indicated he was trying to conceal contraband. He did not observe any strip search of § 87(2)(b).

PO Schrell only testified observing § 87(2)(b) stiffening his arms to resist restraint during his arrest.

The entry of § 87(2)(b)'s arrest in the Command Log had no notation regarding any strip searched (BR 54). Lt. Daverin stated he neglected to make that notation due to the aforementioned commotion in the civilian waiting area. The report for § 87(2)(b)'s arrest indicated that no strip search was conducted (BR 57). PO Schrell's memo book did not have any record of any strip search being conducted upon § 87(2)(b) (BR 55).

Lt. Daverin was the only officer that testified to observing § 87(2)(b) making stuffing motions during his arrest. The video evidence is not consistent with Lt. Daverin's testimony in that § 87(2)(b) is not depicted making any motions toward his buttocks, however, the available footage is not exhaustive of § 87(2)(b)'s entire manual behavior while he is being arrested. PO Schrell, § 87(2)(b)'s arresting officer, did not observe or articulate any reasonable suspicion to Lt. Daverin that § 87(2)(b) was concealing any contraband, however, as Lt. Daverin stated he

observed the stuffing motion directly, PO Schrell's observations would not be necessary. Additionally, the authorization as it was alleged by Lt. Daverin and PO Vukosa is not consistent with the video evidence. Both officers described a verbal instruction by Lt. Daverin but in PO Vukosa's body-worn camera footage, there is no such instruction depicted at any point, including when it was alleged to have occurred by the front desk/cells area.

§ 87(2)(g)

§ 87(2)(g)

Allegation R - Discourtesy: On December 14, 2018, at the 90th Precinct stationhouse in Brooklyn, Police Officer Tyler Howe spoke discourteously to § 87(2)(b)

Three separate clips were extracted from the body-worn camera of PO Vukosa and concatenated together to present this allegation (BR 58). In discussing the footage, the video player's durational timestamp of the extracted clip will be referenced, not the onscreen timestamp or the durational timestamp of PO Vukosa's extended footage. In the first clip, after a back-and-forth between PO Howe and § 87(2)(b) where § 87(2)(b) complains about being searched from 00:00 to 00:18, PO Howe tells him at 00:19, "Don't you fucking [inaudible]," and PO Howe then secures cuffs on § 87(2)(b) with the assistance of PO Wynn. In the second clip at 00:25, PO Howe tells § 87(2)(b) in the bathroom of the holding cells to, "Stop pulling your shorts up, this isn't a fucking game." PO Wynn stands just outside the bathroom as PO Howe states this and PO Wynn's lips are noticeably still. PO Howe tells § 87(2)(b) multiple times to squat as § 87(2)(b) verbally refuses and at 00:36, PO Howe states, "Don't fucking fight me bro. Don't fucking fight me." In the third clip from 00:41 to 00:51, PO Howe and PO Wynn argue with § 87(2)(b) on whether the marijuana was concealed and discovered by officers or if § 87(2)(b) offered it to them during his initial search and at 0:52 PO Howe states, "Don't say a fucking word unless I tell you to."

Neither § 87(2)(b) nor § 87(2)(b) raised these allegations during any their sworn statements.

PO Howe did not independently recall any profanity from any officers in the holding cells area. When PO Howe was presented with the above-referenced footage, he acknowledged an officer's use of profanity but could not determine whether he or any other specific officer was the individual who used profanity. He did not recall using any profanity during the incident and could not state definitively whether or not he used profanity. PO Howe could not say why profanity was used at that point in the incident but described the strip search as tense.

PO Vukosa did not independently recall any profanity used by officers at the stationhouse (BR 59). When presented the above-referenced footage, PO Vukosa recognized the voice as PO Howe's that uttered all five instances of profanity.

PO Wynn and PO Ozen did not recall any officer use any profanity in the cells area. When PO Wynn and PO Ozen were presented with the above referenced footage, neither officer could identify the voice.

Officers are to be courteous and respectful to civilians (Patrol Guide Procedure 203-09) (BR 31). Profanity has been found to be permissible where the officer has resorted to such language in the heat of a highly dangerous situation. DAO-DCT Disciplinary Case No. 2013-10143 (BR 78).

§ 87(2)(g)

§ 87(2)(g)

Allegation T - Force: On December 14, 2018, at the 90th Precinct stationhouse in Brooklyn, Police Officer Tyler Howe hit § 87(2)(b) against a wall.

Footage from the body-worn camera of PO Vukosa was extracted using the program InputAce to present this allegation, which occurs during the strip search of § 87(2)(b) (BR 52). In discussing the footage, the video player's durational timestamp of the extracted clip will be referenced, not the onscreen timestamp or the durational timestamp of PO Vukosa's extended footage. At 00:00, PO Howe takes § 87(2)(b) into a bathroom to strip-search him. PO Vukosa's camera does not have a direct view into the bathroom. PO Wynn stands by the entrance. From 00:16 to 00:22, PO Howe orders § 87(2)(b) to squat four times and § 87(2)(b) keeps saying no. From 00:23 to 00:26, after PO Howe states, "Don't fucking fight me bro," a bang is heard and then § 87(2)(b) is heard making a yelp. None of this is physically depicted due to PO Vukosa's camera angle. At 00:26, PO Vukosa moves and PO Howe is seen holding § 87(2)(b) against a wall in the bathroom by the area at the top of his back and bottom of his neck. PO Wynn moves to help restrain § 87(2)(b) as PO Vukosa is moving around outside the bathroom. At 00:31, § 87(2)(b) accuses PO Howe of "blasting his face against the wall." At 00:43, PO Howe pulls up § 87(2)(b)'s underpants and pants.

§ 87(2)(b) stated that PO Howe placed § 87(2)(b) next to and facing a wall in the bathroom. PO Howe asked § 87(2)(b) to bend over and squat, which § 87(2)(b) refused to do. PO Howe hit the back of § 87(2)(b)'s knee, causing § 87(2)(b) to buckle and lurch forward, hitting his forehead on the wall. § 87(2)(b) complained of no injuries sustained from this allegation.

Due to § 87(2)(b)'s resistance and non-compliance with his strip search, PO Howe recalled assisting in the search by holding some portion of one of § 87(2)(b)'s arms to prevent him from violently swinging his arms and throwing his shoulders. PO Howe did not recall § 87(2)(b) come into contact with any walls during his strip search. After watching the above-referenced footage, PO Howe recalled that § 87(2)(b)'s head was hit against the wall

as § 87(2)(b) resisted the strip search by flailing his arms. PO Howe described this as an accidental act, not an intentional one. PO Howe did not know if any actions he took led to this or how § 87(2)(b)'s head hit the wall.

PO Vukosa described hearing some shuffling and the sounds of a physical interaction in the bathroom during § 87(2)(b)'s strip search, which indicated to PO Vukosa the possibility of a scuffle in the bathroom. PO Vukosa went to look in the bathroom and see if assistance was required. He observed PO Howe holding § 87(2)(b) against a wall and the situation appeared normal so PO Vukosa backed away from the bathroom.

PO Wynn did not recall § 87(2)(b)'s reaction to being strip-searched or whether he resisted the procedure. PO Wynn did not recall any force by PO Howe against § 87(2)(b) during the strip search. When presented the above-referenced footage, he stated that § 87(2)(b) pulled away from PO Howe in a shimmying motion during the strip search, which made the procedure more difficult. PO Howe held § 87(2)(b) to keep him still but that it did not cause his face to hit the wall. According to PO Wynn, the bang that is heard could be the microphone of PO Vukosa's body-worn camera making contact with some clothing.

PO Howe described § 87(2)(b)'s head hitting the wall as incidental to § 87(2)(b)'s restraint and flailing behavior. § 87(2)(b)'s description of this incident included PO Howe hitting behind his knee, which caused his upper body to lurch forward. PO Vukosa and PO Wynn only described PO Howe holding § 87(2)(b) still during the strip search. The available video evidence is unable to corroborate or contradict this allegation.

§ 87(2)(g)

Allegation U – Abuse of Authority: On December 14, 2018, at the 90th Precinct stationhouse in Brooklyn, Police Officer Philippe Vukosa did not obtain medical treatment for § 87(2)(b)

Footage from the body-worn camera of PO Vukosa was extracted using the program InputAce to present these allegations (BR 60). In discussing the footage, the video player's durational timestamp of the extracted clip will be referenced, not the onscreen timestamp or the durational timestamp of PO Vukosa's extended footage. At 00:12, § 87(2)(b) states, "I got to go to the hospital. [inaudible]... papers, I got to go to the hospital." At 00:15, PO Vukosa responds, "Alright, once your friend's done, you're going to the hospital. It's fine." At 00:17, § 87(2)(b) repeats once more that he has to go to the hospital. No available video footage, which captures both § 87(2)(b)'s and § 87(2)(b)'s entire transport to the stationhouse and internment, depicted § 87(2)(b) requesting medical attention.

§ 87(2)(b) described the subject of his allegation as PO Howe. When § 87(2)(b) asked for medical attention, PO Howe allegedly told him an ambulance would be called after necessary paperwork was completed. § 87(2)(b) sought medical attention due to wrist pain. § 87(2)(b) was never provided medical attention. Eventually, when § 87(2)(b) was taken to Brooklyn Central Booking, he told his unidentified transport officers that he had been previously been promised medical attention, but one of the officers told him that this would not speed up the process. He did not request medical attention from any officers who transported him to Brooklyn Central Booking or at this facility. § 87(2)(b) decided to drop the subject and go

to Central Booking so that he could resolve everything. However, if officers had provided him the medical attention he had originally sought, he would have accepted it.

No available video footage depicted § 87(2)(b) requesting medical attention from PO Howe or PO Howe ever responding to § 87(2)(b)'s requests.

PO Vukosa did not recall § 87(2)(b) ever requesting medical attention. When presented the above-referenced footage, PO Vukosa identified himself as responding to § 87(2)(b)'s requests for medical attention. PO Vukosa did not believe that § 87(2)(b) ever received medical treatment. The only reason that § 87(2)(b) did not receive medical treatment was because PO Vukosa forgot to follow up on § 87(2)(b)'s request.

When a prisoner in custody requires medical treatment, an officer is to request an ambulance and remove the prisoner to a hospital (BR 61) (NYPD Patrol Guide Procedure 210-04).

§ 87(2)(g)

§ 87(2)(g)

Allegation V – Abuse of Authority: On December 14, 2018, at the 90th Precinct stationhouse in Brooklyn, PO Philippe Vukosa did not obtain medical treatment for

§ 87(2)(b)

Footage from PO Ozen's body-worn camera depicts § 87(2)(b)'s movements while he is processed at the stationhouse (BR 11). PO Ozen's footage is best-suited to depict this allegation as PO Ozen remained in the immediate vicinity of § 87(2)(b) throughout § 87(2)(b)'s entire arrest processing. In discussing the footage, the video player's durational timestamp of the footage will be referenced, not the onscreen timestamp. From 07:10 to 10:30, PO Ozen processes § 87(2)(b) at the front desk. From 10:30 to 17:02, PO Ozen stays with § 87(2)(b) in the holding cells area as § 87(2)(b) is searched and processed by PO Howe. At 16:54, § 87(2)(b) tells officers three times that he has to go to the hospital. From 17:02 to 20:44, PO Ozen and PO Vukosa search and process § 87(2)(b) in the holding cells area. At no point is § 87(2)(b) depicted requesting medical attention from PO Vukosa or any other officer.

§ 87(2)(b) stated that after PO Ozen walked him into the holding cells area, PO Vukosa took custody of him. Before he was strip-searched, § 87(2)(b) asked PO Vukosa twice for medical attention. Unidentified officers told him that an ambulance would come, but one never did.

PO Vukosa did not recall § 87(2)(b) ever requesting medical attention.

PO Ozen did not hear § 87(2)(b) ask for any medical attention.

§ 87(2)(g)

Allegation X – Abuse of Authority: On December 15, 2018, at the 90th Precinct stationhouse in Brooklyn, Police Officer Tyler Howe threatened to arrest

Footage from § 87(2)(b)'s cellphone was extracted using the program InputAce to present this allegation (BR 62). In discussing the footage, the video player's durational timestamp of the extracted clip will be referenced, not the durational timestamp of § 87(2)(b)'s

extended footage and there is no onscreen timestamp. At 00:00, § 87(2)(b) stands next to the parking lot of the 90th Precinct stationhouse when PO Howe and another officer approach him. At 00:01, § 87(2)(b) identifies PO Howe as the officer that hit his head against a wall and asks for his name. At 00:06, PO Howe states, “What’s going on, bro? Step into this lot, see what happens.” At 00:09, § 87(2)(b) asks for his shield number and PO Howe responds, “PO Howe, shield number 14840.”

§ 87(2)(b) stated that he approached the stationhouse’s parking lot to see if his vehicle’s windows were covered due to rainfall, getting close to a painted line that marks the border of the parking lot. PO Howe was walking by and told § 87(2)(b) that he wished § 87(2)(b) would cross the line. § 87(2)(b) took this to mean he would be arrested by PO Howe if he crossed the line.

PO Howe explained that he observed § 87(2)(b) standing at the entrance to the rear parking lot of the stationhouse and looking inside, which appeared indicative of a desire to enter the lot. PO Howe recalled telling § 87(2)(b) that if he went inside the lot, he would be arrested. PO Howe stated that if § 87(2)(b) had stepped into the lot, the officer certainly would have arrested him.

A person is guilty of criminal trespass when he knowingly enters or remains unlawfully in or upon premises (BR 63) (New York State Penal Law § 140.05).

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been party (BR 66).
- This is the first CCRB complaint to which § 87(2)(b) has been party (BR 67).
- This is the first CCRB complaint to which § 87(2)(b) has been party (BR 68).
- This is the first CCRB complaint to which § 87(2)(b) has been party (BR 69).
- This is the second CCRB complaint to which § 87(2)(b) has been party including case § 87(2)(b)
- Lt. Daverin has been a member of service for 11 years and has been subject of 65 other allegations in 24 other CCRB complaints with four substantiations (see officer history):
 - 201502623 involved substantiated allegations of a vehicle search, name and shield number refusal, and a frisk. The Board recommended Command Discipline A, which the NYPD imposed.
 - 201604699 involved substantiated allegations of an entry of premises. The Board recommended Command Discipline A. The NYPD imposed no disciplinary action.
 - § 87(2)(g)
- PO Schrell has been a member of service for seven years and has been subject of seven other allegations in three other CCRB complaints with no substantiations (see officer history):
 - § 87(2)(g)
- Sgt. Minardi has been a member of service for 13 years and has been subject of 35 other allegations in 12 other CCRB complaints with one substantiation (see officer history):
 - 201806785 involved one substantiated allegation of a frisk. The Board recommended Formalized Training and the NYPD has yet to make a disciplinary decision.
 - § 87(2)(g)
- PO Vukosa has been a member of service for seven years and has been subject of 11 other allegations in four other CCRB complaints with one substantiation (see officer history):
 - 201609123 involved one substantiated allegation of a chokehold. The Board recommended Command Discipline B. The NYPD imposed Command Discipline A.

- § 87(2)(g) [REDACTED]
- PO Howe has been a member of service for three years and has been subject of 12 other allegations in four other CCRB complaints with no substantiations (see officer history):
 - § 87(2)(g) [REDACTED]
- PO Ozen has been a member of service for three years and has been subject of four other allegations in one other CCRB complaint with no substantiations (see officer history):
 - § 87(2)(g) [REDACTED]

Mediation, Civil and Criminal Histories

- This complaint was deemed unsuitable for mediation.
- On May 31, 2019, the Office of the New York City Comptroller reported that no Notices of Claim had been filed regarding this incident (BR 71).
- § 87(2)(b) [REDACTED]
- § 87(2)(b) [REDACTED]
- According to OCA, § 87(2)(b) [REDACTED] has no history of criminal convictions within New York City (BR 74).
- According to OCA, § 87(2)(b) [REDACTED] has no history of criminal convictions within New York City (BR 75).
- According to OCA, § 87(2)(b) [REDACTED] has no history of criminal convictions within New York City (BR 76).

Squad No.: 11

Investigator: _____

Signature	Inv. Benjamin Shelton Print Title & Name	Date
-----------	---	------

Squad Leader: _____

Signature	IM Edwin Peña Print Title & Name	Date
-----------	-------------------------------------	------

Reviewer: _____

Signature

Print Title & Name

Date